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DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**

WASHINGTON, D. C. 20548

Authorization for Payment of Airline Tickets Purchased Through Travel Agent 15654

FILE: B-201258

DATE: December 10, 1980

MATTER OF: Equal Employment Opportunity Commission -
Use of Travel Agents

DIGEST:

Although finding was made after travel was performed, where civilian agency determines that use of reduced fares has resulted in monetary savings to Government, and was advantageous to Government, procurement of transportation through group arrangement made by travel agent is authorized under Federal Travel Regulations para. 1-3.4b which is an exception to general restrictions against use of travel agents for procurement of official Government travel, see 4 CFR 52.3 (1980).

A certifying officer of the Equal Employment Opportunity Commission (EEOC) requests our opinion whether or not payment of three purchase orders is proper. These purchase orders were issued to cover the purchase of airline tickets through a travel agent for participants in the EEOC Trial Advocacy Training program in Milwaukee, Wisconsin. EEOC asks that we review these purchase orders to determine whether our restrictions against the use of travel agents to procure official Government travel, see 4 Code of Federal Regulations 52.3, or other legal authority prohibits payment of these purchase orders. The agency has advised us that its use of the travel agent was permitted under the Federal Travel Regulations (FTR) § 1-3.4(b)(2) which authorizes use of travel agents to arrange group or charter travel.

With respect to civilian employees of the United States, paragraph 1-3.4(b) of the FTR publishes provisions relating to the use of reduced fares offered by the carriers and by the travel agents. Subparagraph (1) provides for the use of the lower fares

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offered by the carriers when it can be determined prior to the start of the trip that such services are practical and economical to the Government. Subparagraph (2) authorizes the use of group or charter fares sold by travel agents when such use will not interfere with the performance of official business. However, an administrative determination is required prior to the travel that the use of the reduced fares will result in a monetary savings to the Government, and will not interfere with the conduct of official business.

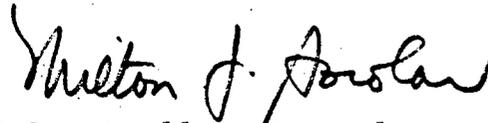
Here, EEOC's purchase order includes a determination that the use of a travel agency was more advantageous to the Government and permitted EEOC control of participants' arrival time, so that local transportation for the entire group to the training site could be arranged. The record indicates that the required administrative determination that the use of the reduced fares would result in a monetary savings to the Government was not made prior to the travel. Thus, EEOC did not strictly adhere to the FTR requirements because it did not determine in advance of the travel that use of the reduced fares would result in monetary savings to the Government. However, both the EEOC contracting officer and travel agent advise us that the group travel arrangement for all program participants permitted use of reduced excursion fares for the group. EEOC's actions in using a travel agent without prior approval were apparently based on its erroneous view that it had satisfied the FTR provision authorizing the use of a travel agent for group travel and can be attributed to the contracting officer's lack of familiarity with the general prohibition against the use of travel agents. Cf. B-103315, August 9, 1979; 47 Comp. Gen. 204 (1967).

Although the finding was made after the travel was performed, EEOC has now determined that the group travel arrangement resulted in monetary savings because of the use of reduced fares. It also appears that the use of these fares could have been approved prior to the travel. Furthermore, EEOC has used the airline tickets which the travel agent purchased and obtained the benefit of the service provided. Therefore, in

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this case, we will not object to EEOC reimbursing the travel agent for the cost of the tickets if the invoices are otherwise correct. For the future, EEOC should review its travel procurement procedures to ensure compliance with the FTR requirements for the use of group travel airfares purchased through travel agents.

A handwritten signature in cursive script, reading "Milton J. Jordan".

For the Comptroller General
of the United States